

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

**and**

**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY  
UTAH DIVISION OF AIR QUALITY**

**IN THE MATTER OF:**

**Finley Resources, Inc.  
1308 Lake Street  
Fort Worth, Texas 76102**

**NOTICE OF VIOLATION**

**EPA Docket No.  
CAA-08-2022-0009**

Proceedings Pursuant to  
the Clean Air Act,  
42 U.S.C. §§ 7401-7671q,  
and Utah Code, Title 19, Chapter 2

**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality, Utah Division of Air Quality (UDAQ), jointly allege that Finley Resources, Inc. (Finley) has violated or is violating the Clean Air Act (the Act) at oil and natural gas production operations located in the Uinta Basin. Specifically, the EPA and the UDAQ jointly allege Finley has violated or is violating Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution for Which Construction, Modification, or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015, 40 C.F.R. part 60, subpart OOOO (NSPS OOOO); or, Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification, or Reconstruction Commenced After September 18, 2015, 40 C.F.R. part 60, subpart OOOOa (NSPS OOOOa).

Separately, the EPA alleges that Finley has violated or is violating the Act and its implementing regulations of the Federal Minor New Source Review (NSR) Program in Indian Country, 40 C.F.R. §§ 49.151-.165. The EPA alleges separate violations of NSPS OOOO and NSPS OOOOa for oil and natural gas production facilities located in Indian country within the exterior boundaries of the Uintah and Ouray Reservation.

Also separately, the UDAQ alleges violations of State-enforceable air quality regulations, Utah Admin. Code R307-101 through R307-510, promulgated under the authority of the Utah Air Conservation Act, Utah Code, Title 19, Chapter 2, for the oil and gas industry at facilities under the State of Utah's jurisdiction.

## **I. STATUTORY AND REGULATORY BACKGROUND**

1. The Clean Air Act's purpose is "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population." 42 U.S.C. § 7401(b)(1).

2. Section 108 of the Act, 42 U.S.C. § 7408, directs the EPA to identify pollutants that "may reasonably be anticipated to endanger public health or welfare" and to issue air quality criteria based on the "latest scientific knowledge" about the effects of the pollutants on public health and the environment. These pollutants are known as "criteria pollutants."

3. Section 109 of the Act, 42 U.S.C. § 7409, requires the EPA to establish national ambient air quality standards (NAAQS) for criteria pollutants. The primary standard must be set at a level "requisite to protect the public health" with an adequate margin of safety, and the secondary standard is intended to protect the "public welfare."

4. Ground-level ozone is one of six criteria pollutants for which the EPA has promulgated national standards, due to its adverse effects on human health and the environment. Short-term exposures (1 to 3 hours) to ground-level ozone can cause acute health effects observed even at low concentrations, including temporary pulmonary inflammation. Long-term exposure (months to years) may cause permanent damage to lung tissue. Children and adults who are active outdoors are particularly susceptible to the adverse effects of exposure to ozone. *See* 73 Fed. Reg. 16,436 (Mar. 27, 2008).

5. Ozone is not emitted directly from sources of air pollution. Ozone is a photochemical oxidant, formed when volatile organic compounds (VOCs) and nitrogen oxides (NOx) react in the presence of sunlight. NOx and VOCs are known as "ozone precursors." Sources that emit ozone precursors are regulated to reduce ground-level ozone. *See* 62 Fed. Reg. 38,856 (July 18, 1997).

6. Section 110(a)(2)(C) of the Act requires that every state implementation plan for national primary and secondary ambient air quality standards include a program to regulate the construction and modification of stationary sources; this includes a permitting program as required by parts C and D of Title I of the Act. *See* 42 U.S.C. § 7410(a)(2)(C).

7. Sections 301(a) and 301(d)(4) of the Act, as implemented through the Tribal Authority Rule, 63 Fed. Reg. 7254 (Feb. 12, 1998), provide the EPA with broad discretion to develop a program to regulate new and modified minor sources in Indian country. *See* 42 U.S.C. §§ 7601(a), 7601(d).

8. In 2011, the EPA promulgated rules for the "Review of New Sources and Modifications in Indian Country" which applies to new and modified minor sources in Indian country and minor modifications to major sources. The purpose of the program is to create a preconstruction permitting program for new and modified minor sources and a registration system to allow the reviewing authority to maintain a record of minor source emissions in Indian Country. *See* Review of New Sources and Modifications in Indian country, 76 Fed. Reg. 38,748, 38,754 (July 1, 2011) (codified at 40 C.F.R. §§ 49.151- 165).

9. On July 1, 2011, the EPA finalized the Federal Minor New Source Review Program in Indian Country (Tribal Minor NSR Rule). *See* 40 C.F.R. §§ 49.151- 165. Among other requirements, this program establishes a preconstruction permitting program for all new and minor sources, and a registration system that maintains records of minor sources of emissions in Indian country.

10. Section 111(b) of the Act authorizes the Administrator of the EPA to promulgate standards of performance applicable to “new sources” within categories of sources that cause “air pollution which may reasonably be anticipated to endanger public health or welfare.” 42 U.S.C. § 7411(b).

11. A “stationary source” is a building, structure, facility, or installation that emits or may emit any air pollutant. 42 U.S.C. § 7411(a)(3).

12. In 1979, the EPA listed “Crude Oil and Natural Gas Production” as a source category that contributes significantly to air pollution and for which standards of performance would be established. 44 Fed. Reg. 49,222 (Aug. 21, 1979).

13. It is unlawful for owners and operators of any new source to operate in violation of applicable standards of performance after the standards have gone into effect. 42 U.S.C. § 7411(e).

#### **Tribal Minor New Source Review Regulations**

14. The EPA published the “Review of New Sources and Modifications in Indian Country,” effective July 1, 2011. 76 Fed. Reg. 38,748 (July 1, 2011). This rule created two New Source Review (NSR) regulations for the protection of air quality in Indian country, including the “Tribal Minor NSR Rule.”

15. The two new regulations work together with the pre-existing Prevention of Significant Deterioration (PSD) program at 40 C.F.R. § 52.21 and the title V operating permits program at 40 C.F.R. § 71 to “provide a comprehensive permitting program for Indian country to ensure that air quality in Indian country will be protected in the manner intended by the Act.” Proposed Rule, Review of New Sources and Modifications in Indian Country, 78 Fed. Reg. 33,266, 33,269 (June 4, 2013).

16. The federal Indian country Minor NSR Rule is codified at 40 C.F.R. §§ 49.151 - 49.165.

17. The purpose of the program is to establish a preconstruction permitting program for all new and modified minor sources and minor modifications at major sources located in Indian country. It establishes a registration system that allows the EPA to develop and maintain a record of minor source emissions in Indian Country. *See* 40 C.F.R. § 49.151(b)(1)-(2).

18. A “minor source” means a source with a potential to emit (PTE) regulated NSR pollutants in amounts that are less than the major source thresholds in §§ 49.167, 52.21, or 71.2 of Chapter I of Title 40, as applicable, but equal to or greater than the minor NSR thresholds in § 49.153. 40 C.F.R. § 49.152(d).

19. A “true minor source” “means a source, not including the exempt emissions units and activities listed in § 49.153(c), that emits or has the potential to emit regulated NSR pollutants in amounts that are less than the major source thresholds in § 49.167 or § 52.21 of this chapter, as applicable, but equal to or greater than the minor NSR thresholds in § 49.153, without the need to take an enforceable restriction to reduce its potential to emit to such levels. That is, a *true minor source* is a minor source that is not a synthetic minor source. The potential to emit includes fugitive emissions, to the extent that they are quantifiable, only if the source belongs to one of the source categories listed in part 51, Appendix S, paragraph II.A.4(iii) or § 52.21(b)(1)(ii) of this chapter, if applicable.” *Id.*

20. “Volatile Organic Compounds” are among the regulated NSR pollutants. *See* Table 1, 40 C.F.R. § 49.153.

21. A “stationary source” means any building, structure, facility, installation which emits or may emit a regulated NSR pollutant. 40 C.F.R. § 51, Appendix S, para. II(A)(1).

22. A “building, structure, facility or installation” means “all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control).” *Id.* at para. II(A)(2)(i).

23. A “building, structure, facility or installation” means for onshore activities under SIC Major Group 13: Oil and Gas Extraction, “all of the pollutant-emitting activities included in Major Group 13 that are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered adjacent if they are located on the same surface site; or if they are located on surface sites that are within ¼ mile of one another . . . and they share equipment.” *Id.* at para. II(A)(2)(ii).

24. The federal Indian Country Minor NSR Rule also created a registration program for true minor sources located on Indian Country. *See* 40 C.F.R. § 49.160.

25. Existing true minor sources, as defined by 40 C.F.R. § 49.152(d), were required to submit a form registration to the EPA by March 1, 2013. Final Rule, Review of New Sources and Modifications in Indian Country, 76 Fed. Reg. 38,748, 38,800 (July 1, 2011); *see* 40 C.F.R. § 49.151(c)(1)(iii).

26. In accordance with 40 C.F.R. § 49.160(c)(2), an owner or operator of an existing true minor source must submit a form registration (Part 1 Registration) that includes the following content:

- (i) Identifying information, including your name and address (and plant name and address if different) and the name and telephone number of the plant manager/contact.
- (ii) A description of your source’s processes and products.
- (iii) A list of all emissions units (with the exception of the exempt emissions units and activities listed in § 49.153(c)).

(iv) For each emissions unit that is listed, both the allowable and estimated actual annual emissions of each regulated NSR pollutant in tons per year (tpy) (including fugitive emissions, to the extent that they are quantifiable, if the emissions unit or source is in one of the source categories listed in § 51, Appendix S, paragraph II.A.4(iii) or § 52.21(b)(1)(iii) of this chapter), with supporting documentation.

(v) The following information: Fuels, fuel use, raw materials, production rates and operating schedules.

(vi) Identification and description of any existing air pollution control equipment and compliance monitoring devices or activities.

(vii) Any existing limitations on source operation affecting emissions or any work practice standards, where applicable, for all NSR regulated pollutants at the source.

(viii) Any other information specifically requested by the reviewing authority.

27. Owners or operators that commence construction or modifications of existing true minor sources after October 3, 2016, must register the source(s) in accordance with 40 C.F.R. § 49.160(c)(1)(iv).

28. Under the registration program, owners and operators of new or modified true minor sources must submit a Part 1 Registration Form 30 days prior to the beginning of construction. Within 30 days after the startup of production, the owner or operator of the source must determine the potential for emissions and submit a Part 2 Registration Form (Part 2 Registration), including emissions information within 60 days after startup. The combination of Part 1 and Part 2 Registrations meets the requirements of § 49.160(c)(2). 40 C.F.R. § 49.160(c)(1)(iv).

29. Submitting a registration form does not relieve owners and operators of sources of the obligation to obtain any required permit, including a pre-construction permit, or to comply with the Federal Implementation Plan for the oil and gas production sector if the source or any physical or operational change at the source would make it subject to any minor or major NSR rule. *Id.* at § 49.160(c)(4).

### **New Source Performance Standards**

30. A “new source” is any stationary source, the construction or modification of which is commenced after the promulgation of the standards of performance that will apply to such source. 42 U.S.C. § 7411(a)(2).

### **40 C.F.R. Part 60, Subpart OOOO (NSPS OOOO)**

31. In 2012, the EPA promulgated “Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution” under section 111 of the Clean Air Act. 77 Fed. Reg. 49,490, 49,542 (Aug. 16, 2012). These standards are set forth in 40 C.F.R. part 60, subpart OOOO, which includes 40 C.F.R. §§ 60.5360–5430.

32. Each of these standards is a “standard of performance” within the meaning of section 111(a)(1) of the Clean Air Act, 42 U.S.C. § 7411(a)(1), or a “design, equipment, work practice, or operational standard, or combination thereof” under section 111(h) of the Clean Air Act, 42 U.S.C. § 7411(h).

33. NSPS OOOO applies to “affected facilities” for which owners or operators commence construction, modification or reconstruction after August 23, 2011, and on or before September 18, 2015. 40 C.F.R. § 60.5365.

34. A “storage vessel affected facility” under NSPS OOOO includes a single storage vessel located in the natural gas production segment that has the potential for VOC emissions equal to or greater than 6 tons per year, as determined according to 40 C.F.R. § 60.5365(e).

35. NSPS OOOO requires “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.” 40 C.F.R. § 60.5370(b).

36. NSPS OOOO requires storage vessel affected facilities that utilize a control device to be equipped with a cover that meets the requirements of 40 C.F.R. § 60.5411(b) and is connected through a closed vent system that meets the requirements of § 60.5411(c), and emissions must be routed to a control device that meets the conditions specified in § 60.5412(c) and (d). 40 C.F.R. § 60.5395(e)(1).

37. Owners and operators must comply with the following requirements for covers on storage vessel affected facilities under NSPS OOOO:

- a. The cover and all openings on the cover (e.g., access hatches and pressure relief valves) shall form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel. 40 C.F.R. § 60.5411(b)(1).
- b. Each cover opening must be secured in a closed, sealed position whenever material is in the unit, except during those times specified in 40 C.F.R. § 60.5411(b)(2)(i)–(iv). 40 C.F.R. § 60.5411(b)(2).
- c. Each storage vessel thief hatch must be equipped, maintained and operated with a weighted mechanism or equivalent, to ensure that the lid remains properly seated. 40 C.F.R. § 60.5411(b)(3).

38. Owners and operators must comply with the following requirements for closed vent systems associated with storage vessel affected facilities under NSPS OOOO:

- a. Design the closed vent system to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412(c) and (d), or to a process. 40 C.F.R. § 60.5411(c)(1).



- b. Design and operate a closed vent system with no detectable emissions, as determined using olfactory, visual and auditory inspections. 40 C.F.R. § 60.5411(c)(2).

39. Owners and operators must comply with the following requirements for control devices to reduce emissions from storage vessel affected facilities under NSPS OOOO:

- a. Ensure each enclosed combustion device is maintained in a leak free condition. 40 C.F.R. §§ 60.5412(d)(1)(i), 60.5413(e)(7).
- b. Install and operate a continuous burning pilot flame. 40 C.F.R. §§ 60.5412(d)(1)(ii), 60.5413(e)(2).
- c. Operate each control device used to comply with NSPS OOOO at all times when gases, vapors, and fumes are vented from storage vessel affected facilities through the closed vent system to the control device. 40 C.F.R. § 60.5412(d)(3).

40. For storage vessels constructed, modified, or reconstructed after August 23, 2011, and on or before April 12, 2013, owners and operators were required to submit a notification identifying each storage vessel affected facility in an initial annual report by July 14, 2015. The initial report must include documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395, 60.5411, 60.5412, and 60.5413, as applicable. 40 C.F.R. §§ 60.5410(h)(4), 60.5420(b), 60.5420(c)(5)(iii).

41. For storage vessels constructed, modified, or reconstructed after April 12, 2013, and on or before September 18, 2015, owners and operators must have demonstrated initial compliance by April 15, 2014, or within 60 days after startup, whichever is later. Within 90 days after the end of the initial compliance period, owners and operators must have submitted an initial annual report that identified the storage vessel affected facilities constructed, modified, or reconstructed during the reporting period and included documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395, 60.5411, 60.5412, and 60.5413, as applicable. 40 C.F.R. §§ 60.5410(h)(4), 60.5420(b), 60.5420(c)(5)(iii).

42. After the initial report, owners and operators must submit annual reports identifying the storage vessel affected facilities constructed, modified, or reconstructed during the reporting period. Annual reports must include documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395, 60.5411, 60.5412, and 60.5413, as applicable. 40 C.F.R. §§ 60.5420(b)(6), 60.5420(c)(5)(iii).

**40 C.F.R. Part 60, Subpart OOOOa (NSPS OOOOa)**

43. In 2016, the EPA promulgated “Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015” under section 111 of the Act. 81 Fed. Reg. 35,824 (June 3, 2016). These

standards are set forth in 40 C.F.R part 60, subpart OOOOa, which includes 40 C.F.R. §§ 60.5360a–5432a (NSPS OOOOa).<sup>1</sup>

44. Each of these standards is a “standard of performance” within the meaning of section 111(a)(1) of the Act, 42 U.S.C. § 7411(a)(1), or a “design, equipment, work practice, or operational standard, or combination thereof” under section 111(h) of the Act, 42 U.S.C. § 7411(h).

45. NSPS OOOOa applies to “affected facilities” for which owners or operators commence construction, modification or reconstruction after September 18, 2015. 40 C.F.R. § 60.5365a.

46. A “storage vessel affected facility” under NSPS OOOOa includes a single storage vessel that has the potential for VOC emissions equal to or greater than 6 tpy, as determined according to 40 C.F.R. § 60.5365a(e).

47. NSPS OOOOa requires “[a]t all times, including periods of startup, shutdown, and malfunction, owners and operators shall maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.” 40 C.F.R. § 60.5370a(b).

48. NSPS OOOOa requires storage vessel affected facilities that utilize a control device to be equipped with a cover that meets the requirements of 40 C.F.R. § 60.5411a(b) and is connected through a closed vent system that meets the requirements of § 60.5411a(c) and (d), and emissions must be routed to a control device that meets the conditions specified in § 60.5412a(c) and (d). 40 C.F.R. § 60.5395a(b)(1).

49. Owners and operators must comply with the following requirements for covers on storage vessel affected facilities under NSPS OOOOa:

- a. The cover and all openings on the cover (e.g., access hatches and pressure relief valves) shall form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel. 40 C.F.R. § 60.5411a(b)(1).
- b. Each cover opening must be secured in a closed, sealed position whenever material is in the unit, except during those times specified in 40 C.F.R. § 60.5411a(b)(2)(i)–(iv). 40 C.F.R. § 60.5411a(b)(2).
- c. Each storage vessel thief hatch must be equipped, maintained and operated with a weighted mechanism or equivalent, to ensure that the lid remains properly seated and sealed under normal operating conditions, including such times when

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<sup>1</sup> Following promulgation of the 2016 final rule, the EPA granted reconsideration of fugitive emission requirements at well sites and compressor stations, well-site pneumatic pump standards, and the requirements for professional engineer certification of closed vent systems. 82 Fed. Reg. 25,730 (June 5, 2017); 83 Fed. Reg. 52,056 (Oct. 15, 2018). This reconsideration does not affect the allegations in this Notice of Violation.



working, standing/breathing, and flash emissions may be generated. 40 C.F.R. § 60.5411a(b)(3).

50. Owners and operators must comply with the following requirements for closed vent systems associated with storage vessel affected facilities under NSPS OOOOa:

- a. Design the closed vent system to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d), or to a process. 40 C.F.R. § 60.5411a(c)(1).
- b. Design and operate a closed vent system with no detectable emissions, as determined using olfactory, visual and auditory inspections. 40 C.F.R. § 60.5411a(c)(2).

51. Owners and operators must comply with the following requirements for control devices to reduce emissions from storage vessel affected facilities under NSPS OOOOa:

- a. Reduce VOC emissions from storage vessel affected facilities by 95%. 40 C.F.R. § 60.5395a(a)(2).
- b. Ensure each enclosed combustion device is maintained in a leak free condition. 40 C.F.R. §§ 60.5412a(d)(1)(i), 60.5413a(e)(7).
- c. Install and operate a continuous burning pilot flame. 40 C.F.R. §§ 60.5412a(d)(1)(ii), 60.5413a(e)(2).
- d. Operate each control device used to comply with NSPS OOOOa at all times when gases, vapors, and fumes are vented from storage vessel affected facilities through the closed vent system to the control device. 40 C.F.R. § 5412a(d)(4).

52. For each storage vessel affected facility, owners and operators must demonstrate initial compliance by August 2, 2016, or within 60 days after startup, whichever is later. Within 90 days after the end of the initial compliance period, owners and operators must submit an initial annual report that identifies the storage vessel affected facilities constructed, modified, or reconstructed during the reporting period, storage vessels removed from or returned to service during the reporting period, and includes documentation of the VOC emission rate determination and records of deviations in cases where the storage vessel affected facility was not operated in compliance with the requirements specified in 40 C.F.R. §§ 60.5395a, 60.5411a, 60.5412a, and 60.5413a, as applicable. Subsequent annual reports are due no later than same date each year as the initial annual report. 40 C.F.R. §§ 60.5410a(h)(5), 60.5420a(b), 60.5420a(c)(5)(iii).

## **State of Utah Air Quality Regulations for the Oil & Gas Industry**

### **General Provisions**

53. Effective December 2014, under Utah regulations, all oil and natural gas exploration, production, and transmission operations, and all well production facilities, must

comply with general provisions for prevention of emissions and use of good air pollution control practices. Utah Admin. Code r. R307-501.

54. “Well production facilities” include “all equipment at a single stationary source directly associated with one or more oil wells or gas wells. This equipment includes, but is not limited to, equipment used for production, extraction, recovery, lifting, stabilization, storage, separation, treating, dehydration, combustion, compression, pumping, metering, monitoring, and flowline.” *Id.* r. R307-501-2(2).

55. Utah’s general provisions require the following:

- a. “All crude oil, condensate, and intermediate hydrocarbon liquids collection, storage, processing and handling operations, regardless of size, shall be designed, operated, and maintained so as to minimize emission of volatile organic compounds to the atmosphere to the extent reasonably practicable.” *Id.* r. R307-501-4(1)(a).
- b. “At all times, including periods of start-up, shutdown, and malfunction, the installation and air pollution control equipment shall be maintained and operated in a manner consistent with good air pollution control practices for minimizing emissions.” *Id.* r. R307-501-4(1)(b).
- c. “All air pollution control equipment shall be operated and maintained pursuant to the manufacturing specifications or equivalent to the extent practicable and consistent with technological limitations and good engineering and maintenance practices.” *Id.* r. R307-501-4(2)(a).

56. “Installation” means a “discrete process with identifiable emissions which may be part of a larger industrial plant. Pollution equipment shall not be considered a separate installation or installations.” *Id.* r. R307-101-2.

### **Permit-by-Rule**

57. Effective March 5, 2018, well sites as defined by NSPS OOOOa, including “centralized tank batteries,” are not required to obtain AOs under Utah regulations if they are not major sources as defined by Utah Administrative Code R307-101-2 and they are registered with the UDAQ as required by R307-505. Utah Admin. Code r. R307-401-10(5).

58. A “centralized tank battery” means a “separate tank battery surface site collecting crude oil, condensate, intermediate hydrocarbon liquids, or produced water from wells not located at the well site.” *Id.* r. R307-506-2.

59. Owners or operators registering with the UDAQ under Rule R307-505 of the Utah Administrative Code must, among other things, certify that the registered facility is in

compliance with Rules R307-506 through R307-510. Utah Admin. Code r. R307-505-3(4). These regulations are referred to collectively as a “permit-by-rule.”<sup>2</sup>

60. Thief hatches on storage vessels subject to Utah Administrative Code R307-506 “shall be kept closed and latched except during vessel unloading or other maintenance activities.” *Id.* r. R307-506-4(1).

61. VOC emissions from storage vessels in operation as of January 1, 2018, with a site-wide throughput of 8,000 barrels or greater of crude oil or 2,000 barrels or greater of condensate per year on a rolling 12-month basis must be routed to a process unit where the emissions are recycled, incorporated into a product or recovered, or be routed to a VOC control device that is in compliance with Utah Administrative Code R307-508. Storage vessels with combined, uncontrolled VOC emissions demonstrated to be less than 4 tons per year on a rolling 12-month basis are exempt from this requirement. *Id.* r. R307-506-4(2).

62. The provisions referenced in Paragraphs 57-61 are enforceable only by the State of Utah.

## **II. FACTUAL BACKGROUND & FINDINGS OF VIOLATION**

### **Factual Background**

63. Finley is a privately-held corporation incorporated in the State of Texas and at all relevant times to this NOV is doing business in the State of Utah.

64. Finley is a “person” within the meaning of section 302(e) of the Act, 42 U.S.C. § 7602(e).

65. Finley owns or operates oil and natural gas production facilities listed in Appendices A-F.

66. Oil and water produced from these facilities are stored in produced oil and produced water storage tanks. Produced oil and produced water storage tanks are kept at or near atmospheric pressure.

67. When pressurized oil is transferred from higher-pressure separators or heater treaters to lower-pressure atmospheric storage tanks, some of the hydrocarbons in the oil, including VOC and hazardous air pollutants, vaporize in a process known as “flashing.” After flashing occurs, the oil continues to emit vapors due to liquid level changes and temperature fluctuations (commonly known “working,” “standing,” or “breathing” losses).

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<sup>2</sup> On October 10, 2018 (a year after the “permit-by-rule” proposed date) Utah Administrative Code Rule R307-511 was added to the permit-by-rule regulations for certain facilities to be able to utilize the “permit-by-rule” process. Utah Admin. Code r. R307-505-3(4) has not yet been amended to reflect the addition of R307-511.

68. Vapors from storage tanks are captured and controlled through a series of pipes or vent lines, often referred to as a closed vent system or CVS, that route vapors to a combustion device.

69. Based on well production data reported to the Utah Division of Oil, Gas, and Mining (UDOGM), the EPA and UDAQ believe that storage vessels and associated emissions control equipment at the ten oil and natural gas production facilities identified in Appendix A are subject to requirements for storage vessel affected facilities in NSPS OOOO.

70. Based on information reported by Finley in its annual NSPS OOOOa reports and/or well production data reported to the Utah Division of Oil, Gas, and Mining (UDOGM), the EPA and UDAQ believe that storage vessels and associated emissions control equipment at the twenty-one oil and natural gas production facilities identified in Appendix A are subject to requirements for storage vessel affected facilities in NSPS OOOOa.

71. Twenty Finley facilities identified on Appendix A are considered well production facilities as defined by Utah Administrative Code R307-501-2(2). According to information submitted in the registrations, the site-wide throughput is greater than or equal to 8,000 barrels of crude oil per year on a rolling 12-month basis; therefore, the tank systems at the indicated facilities are registered under Utah's permit-by-rule and are subject to the requirements of Utah Administrative Code R307-501 and R307-506 through R307-510. *See* Appendix E.

72. On June 26, 2018, the EPA conducted onsite inspections at four of Finley's oil and natural gas production facilities in the Uinta Basin. Inspections were conducted jointly with the Ute Indian Tribal Air Program. Using auditory, visual, and olfactory (AVO) observations and an optical gas-imaging infrared camera (IR camera), the EPA observed vapors being emitted directly to the atmosphere from thief hatches on the top of storage vessels at Aurora Federal 2-19D-7-20, Aurora Federal 5-32, and Aurora State 5-32D-7-20<sup>3</sup>. At the Aurora Federal 5-32 site, emissions were also observed from a ball valve on a blowdown line on the top of a produced oil storage vessel. *See* Appendix B.

73. The EPA provided Finley with an inspection report from the June 26, 2018 inspections via email on August 30, 2018.

74. On September 15-16, 2021, the EPA conducted onsite inspections at seventeen of Finley's oil and natural gas production facilities in the Uinta Basin. Inspections were conducted jointly with the Ute Indian Tribal Air Program or the UDAQ. Sixteen of the 17 facilities inspected contained equipment to control emissions from storage vessels. Using AVO observations and an IR camera, the inspectors observed that vapor control systems at 12 of the 16 controlled oil and natural gas production facilities were emitting vapors directly to the atmosphere from thief hatches or vent lines on the top of storage vessels: Finley Federal 4-5a-8-20/Finley Federal 4-5b-8-20/Finley Federal 4-6a-8-20/Finley Federal 4-6b-8-20, Aurora Federal 16-29D-7-20/Aurora Federal 7-29D-7-20, Aurora Federal 10-29D-7-20/Aurora Federal 15-29D-7-20, Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20,

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<sup>3</sup> In the report for the June 26, 2018, inspections, the Aurora Federal 2-19D-7-20 facility was called 2-19D-7-20 Aurora and the Aurora State 5-32D-7-20 facility was called Aurora State 5-32-7-20.

Aurora Federal 27-11-7-20/Aurora Federal 27-12-7-20, Aurora Federal 13-22D-7-20/Aurora Federal 22-14-7-20, Three Rivers 32-41-720, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-1, Cabin Cruiser 11-12A-4-2, and Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E. *See* Appendix B.

75. On September 15, 2021, the EPA observed that enclosed combustors on tank systems at the following three facilities were not operating: Aurora Federal 10-29D-7-20/Aurora Federal 15-29D-7-20, Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20<sup>4</sup>, and Pelican 15-13A-7-20/Pelican 15-14A-7-20. No pilot flame was present and unburned hydrocarbon emissions were observed from the top of the combustors using the IR camera. *See* Appendix B.

76. On September 15, 2021, the EPA observed evidence of insufficient or improper enclosed combustor operation at the following two facilities: Aurora Federal 27-11-7-20/Aurora Federal 27-12-7-20 and Aurora Federal 13-22D-7-20/Aurora Federal 22-14-7-20. A pilot flame was present in the combustor at both facilities, but there were no flames on the burner tray within the combustor, and unburned hydrocarbon emissions were observed from the top of the combustor using the IR camera. At the time of the inspection, no back pressure regulating devices were installed on the vent line between the tanks and the enclosed combustor at either facility. *See* Appendix B.

77. On September 15, 2021, the EPA observed evidence of insufficient or improper enclosed combustor operation on both control devices at the Aurora Federal 27-4-7-20/Aurora Federal 27-3-7-20/Aurora Federal 27-5-7-20 facility. The EPA noted strong hydrocarbon odors near the combustors and observed a continuous stream of unburned hydrocarbon emissions from the top of each combustor using the IR camera. At the time of the inspection, no back pressure regulating devices were installed on the vent lines between the tanks and the enclosed combustors. *See* Appendix B.

78. On September 15, 2021, the EPA observed evidence of insufficient or improper enclosed combustor operation at the Three Rivers 32-41-720 facility. The EPA observed unburned hydrocarbon emissions from the top of the combustor and that the vapor line sloped downward from the liquids knockout tank to the combustor. Finley personnel on site noted that there were liquids in the bottom of the combustor. *See* Appendix B.

79. On September 16, 2021, the EPA and UDAQ observed that the enclosed combustor at Hackford 11-15A-4-2 was not operating. No pilot flame was present. *See* Appendix B.

80. On September 16, 2021, the EPA and UDAQ observed evidence of insufficient or improper enclosed combustor operation at the following three facilities: Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, and Cabin Cruiser 11-12A-4-2. Pilot flames were present in the combustors at all three facilities, but there were no or very few flames on the burner tray within

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<sup>4</sup> The Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20 facility contains three tank systems. Enclosed combustors on the Aurora Federal 14-29D-7-20 and Aurora Federal 13-29D-7-20 tank systems were not operating.

the combustor and unburned hydrocarbon emissions were observed from the top of the combustors using the IR camera. At the time of the inspection, no back pressure regulating devices were installed on the vent line between the tanks and the enclosed combustor at either facility. *See* Appendix B.

81. On September 16, 2021, the EPA and UDAQ observed evidence of insufficient enclosed combustor operation at the Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E facility. The combustor at the facility was operating and a heat signature was visible, but inspectors observed a continuous stream of unburned hydrocarbon emissions from the top of the combustor using the IR camera. *See* Appendix B.

82. The EPA provided Finley with an inspection report from the September 15-16, 2021, inspections on September 30, 2021.

83. Based on engineering evaluations Finley submitted to the EPA and UDAQ between January and May 2022, at the time of the September 15-16, 2021 inspections the following six facilities were not adequately designed to route all vapors from storage vessels to a control device achieving at least 95% destruction removal efficiency: Finley Federal 4-5a-8-20/Finley Federal 4-5b-8-20/Finley Federal 4-6a-8-20/Finley Federal 4-6b-8-20, Aurora Federal 16-29D-7-20/Aurora Federal 7-29D-7-2, Aurora 5-29D-7-20, Aurora Federal 27-11-7-20/Aurora Federal 27-12-7-20, Aurora Federal 27-4-7-20/Aurora Federal 27-3-7-20/Aurora Federal 27-5-7-20, Three Rivers 32-41-720, and Gooseneck 14-16B-4-2.

84. Based on information Finley submitted to the EPA and UDAQ on May 27, 2022, at the time of the September 16, 2021 inspection no engineering evaluation had yet been conducted on the Lamb 25-9A-4-2E/ Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E facility to ensure that the system was adequately designed to route all vapors from storage vessels to a control device achieving at least 95% destruction removal efficiency. According to the information submitted by Finley, the enclosed combustor at the facility was replaced with a Steffes SVG-3B4 flare sometime during the week of September 20, 2021, and an engineering evaluation for the facility was completed on May 25, 2022.

85. Based on information Finley submitted to the EPA and UDAQ, at the time of the September 15-16, 2021 inspections backpressure regulating devices were not installed on the vent line between the tanks and the control device(s) at the following fourteen facilities: Finley Federal 4-5a-8-20/Finley Federal 4-5b-8-20/Finley Federal 4-6a-8-20/Finley Federal 4-6b-8-20, Aurora Federal 16-29D-7-20/Aurora Federal 7-29D-7-20, Aurora Federal 10-29D-7-20/Aurora Federal 15-29D-7-20, Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20, Aurora Federal 27-11-7-20/Aurora Federal 27-12-7-20, Aurora Federal 27-4-7-20/Aurora Federal 27-3-7-20/Aurora Federal 27-5-7-20, Aurora Federal 13-22D-7-20/Aurora Federal 22-14-7-20, Pelican 15-13A-7-20/Pelican 15-14A-7-20, Three Rivers 32-41-720, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-1, Cabin Cruiser 11-12A-4-2, and Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E.

86. On November 18, 2021; March 15 and 23, 2022; and April 7, 2022, the UDAQ conducted inspections of Finley's oil and natural gas production facilities in the Uinta Basin. Using AVO observations and an optical gas-imaging IR camera, the UDAQ observed that vapors



were being emitted directed to the atmosphere from thief hatches at twelve of the oil and natural gas production facilities: FD 13-30D-2-2, Bar F 6-4A-5-3, Bar F 6-3A-5-3, Bar F 6-6A-5-3, Black Bear 1-6A-5-2, Bar F 25-11A-4-2, Deep Creek 11-26-4-2E, FD 3-29D-2-2, Roosevelt Unit 3-19, RU 23-14D, RU 24-13, and RU 18-41. *See* Appendix B.

87. On November 18, 2021, a UDAQ inspector observed that the enclosed combustors at Bar F 6-4A-5-3, Bar F 6-3A-5-3, and Bar F 6-6A-5-3 were not operating. *See* Appendix B. The combustors at these facilities are subject to the requirements of NSPS OOOOa.

88. The UDAQ notified Finley of the results of the November 18, 2021 inspections on November 22, 2021.

89. On March 15, 2022, a UDAQ inspector observed that the combustor at FD 7-31-2-2 was not operating. No pilot flame was present and a continuous stream of unburned hydrocarbon emissions were observed from the top of the combustor using the IR camera. *See* Appendix B.

90. The UDAQ notified Finley of the results of the March 15, 2022 inspections on the same day as the inspections.

91. On March 23, 2022, a UDAQ inspector observed that the combustor at FD 3-29-2-2 was not operating. *See* Appendix B. The combustor at this facility is subject to the requirements of NSPS OOOOa.

92. Finley was notified the results of the March 23, 2022, inspection by the UDAQ.

93. On March 30, 2022, a UDAQ inspector observed that the combustor at FD 2-15-3-2 was not operating. The inspector also noted improper sloping of the vent line to the combustor and the absence of a back pressure regulating valve on the vent line between the tanks and the combustor. *See* Appendix B. The combustor at this facility is subject to the requirements of NSPS OOOOa.

94. Finley was notified of the results of the March 30, 2022 inspection by the UDAQ.

95. On April 7, 2022, a UDAQ inspector observed that the combustor at RU 23-14D was not operating. The combustor did not show evidence of a flame from the burner trays or a heat signature in the combustion chamber. The vent line to the combustor was not sloped properly. *See* Appendix B. The combustor at this facility is subject to the requirements of NSPS OOOO and the State of Utah's PBR.

96. On April 7, 2022, UDAQ inspectors observed that the combustor at Roosevelt Unit 3-19 was not operating. The combustor did not show evidence of a flame from the burner trays or a heat signature in the combustion chamber. The sight glass was placed too high to be utilized and was covered by black soot. *See* Appendix B. The combustor at this facility is subject to the control device requirements of the State of Utah's PBR.

97. Finley was notified of the results of the April 7, 2022 inspections by the UDAQ.

98. On August 2, 2022, the EPA conducted onsite inspections at four of Finley's oil and natural gas production facilities in the Uinta Basin. Using an IR camera, the inspectors observed that a blowdown valve on the top of a storage vessel at the Gardner 36-2A-3-2/Gardner 3-36-3-2E/Gardner 36-3B-3-2 facility was open and emitting vapors directly to atmosphere. EPA inspectors also noted that, at the time of the inspection, no back pressure regulating device was installed on the vent line between the tanks and the enclosed combustor at the facility and that the vent line from the knockout tank to the combustor appeared to be improperly sloped. See Appendix B.

99. The EPA provided Finley with an inspection report from the August 2, 2022 inspections via email on August 26, 2022. Finley is the owner or operator of the facilities listed in Appendix F, Table 1.

100. By the dates listed in Appendix F, Table 1, in the *Form Registration Due Date* column, Finley was required to submit to the EPA minor NSR registration forms for the listed facilities. Finley submitted the minor NSR registration forms by the dates in the *Registration Submission Date* column. All dates of submission occurred after the required due dates.

101. By the dates listed in Appendix F, Table 2, in the *Part 1 Due Date* and *Part 2 Due Date* columns, Finley was required to submit to the EPA Part 1 and Part 2 Registrations for the listed facilities. Finley submitted the Part 2 Registration for the Aurora Federal 6-28D-7-20 facility and the Part 1 the Part 2 Registrations for the Rogers 16-43 facility after the required due dates.

### **Jointly Alleged Violations by EPA and UDAQ**

#### **NSPS 0000**

102. Based on inspection findings, at the following five facilities, identified in Appendix C, Finley violated or continues to violate the storage vessel cover requirements of 40 C.F.R. § 60.5411(b) because the covers and all openings on the covers (e.g., access hatches and pressure relief valves) do not form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel, as required by 40 C.F.R. § 60.5411(b)(1), the storage vessel cover openings are not secured in a closed, sealed position, as required by 40 C.F.R. § 60.5411(b)(2), or the storage vessel thief hatches are not maintained and operated to ensure that the lid remains property seated, as required by 40 C.F.R. § 60.5411(b)(3): FD 13-30D-2-2, FD 3-29D-2-2, RU 23-14D, RU 24-13, and RU 18-41.

103. Based on inspection findings, at the following six facilities, identified in Appendix C, Finley violated or continues to violate the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411(c) because the closed vent systems are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412(c) and (d), or to a process, as required by 40 C.F.R. § 60.5411(c)(1), or the closed vent systems are not designed and operated with no detectable emissions as determined using OVA inspections, as required by 40 C.F.R. § 60.5411(c)(2): FD 2-15-3-2, FD 13-30D-2-2, FD 3-29D-2-2, RU 23-14D, RU 24-13, and RU 18-41.

104. By failing to comply with the storage vessel cover requirements of 40 C.F.R. § 60.5411(b) and the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411(c) Finley has violated or continues to violate the standards for storage vessel affected facilities at 40 C.F.R. § 60.5395(e)(1). *See* Appendix C.

105. Based on inspection findings, Finley failed to operate the control devices at FD 7-31-2-2, FD 2-15-3-2, FD 3-29D-2-2, and RU 23-14D in a leak free condition, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. §§ 60.5412(d)(1)(i) or 60.5413(e)(7), 60.5417(h)(1)(iv). *See id.*

106. Based on the inspection findings, Finley failed to operate a continuous burning pilot flame at the control device for FD 7-31-2-2, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. § 60.5412(d)(1)(ii). *See id.*

107. Based on inspection findings, at the following seven facilities, identified in Appendix B, Finley failed or continues to fail to maintain and operate its storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of the requirements at 40 C.F.R. § 60.5370(b): FD 13-20D-2-2, FD 7-31-2-2, FD 2-15-3-2, FD 3-29D-2-2, RU 23-14D, RU 24-13, and RU 18-41. *See id.*

108. Each of the violations alleged in Paragraphs 102-107 are violations of section 111 of the Clean Air Act, 42 U.S.C. § 7411(e).

#### **NSPS 0000a**

109. Based on inspection findings, at the following twelve facilities, identified in Appendix C, Finley violated or continues to violate the storage vessel cover requirements of 40 C.F.R. § 60.5411a(b) because the covers and all openings on the covers (e.g., access hatches and pressure relief valves) do not form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel, as required by 40 C.F.R. § 60.5411a(b)(1), the storage vessel cover openings are not secured in a closed, sealed position, as required by 40 C.F.R. § 60.5411a(b)(2), or the storage vessel thief hatches are not maintained and operated to ensure that the lid remains properly seated and sealed, including such times when working, standing/breathing, and flash emissions are generated, as required by 40 C.F.R. § 60.5411a(b)(3): Bar F 6-4A-5-3, Bar F 6-3A-5-3, Bar F 6-6A-5-3, Black Bear 1-6A-5-2, Bar F 25-11A-4-2, Deep Creek 11-26-4-2E, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-2, Cabin Cruiser 11-12A-4-2, Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E, and Gardner 36-2A-3-2/Gardner 3-36-3-2E/Gardner 36-3B-3-2.

110. Based on inspection findings, at the following seven facilities, identified in Appendix C, Finley violated or continues to violate the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c) because the closed vent systems are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d), or to a process, as required by 40 C.F.R. § 60.5411a(c)(1), and the closed vent systems are not designed and operated with no detectable emissions as determined using OVA or optical gas imaging inspections, as required

by 40 C.F.R. § 60.5411a(c)(2): Bar F 6-4A-5-3, Bar F 6-3A-5-3, Bar F 6-6A-5-3, Black Bear 1-6A-5-2, Bar F 25-11A-4-2, Deep Creek 11-26-4-2E, and Gardner 36-2A-3-2/Gardner 3-36-3-2E/Gardner 36-3B-3-2.

111. Based on inspection findings and the engineering evaluations submitted to the EPA and UDAQ, at the following six facilities, identified in Appendix C, Finley violated or continues to violate the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c) because the closed vent systems are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d), or to a process, as required by 40 C.F.R. § 60.5411a(c)(1), and the closed vent systems are not designed and operated with no detectable emissions as determined using AVO or optical gas imaging inspections, as required by 40 C.F.R. § 60.5411a(c)(2): Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-2, Cabin Cruiser 11-12A-4-2, Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E, and Gardner 36-2A-3-2/Gardner 3-36-3-2E/Gardner 36-3B-3-2.

112. By failing to comply with the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c)(1)-(2), Finley has violated or continues to violate the VOC standards for storage vessel affected facilities at 40 C.F.R. § 60.5395a(b)(1). *See* Appendix C.

113. Based on inspection findings, Finley failed to operate the control devices at Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Cabin Cruiser 11-12A-4-2, and Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E in a leak free condition, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. §§ 60.5412a(d)(1)(i) or 60.5413a(e)(7), 60.5417a(h)(1)(iv). *See id.*

114. Based on the inspection findings, Finley failed to operate a continuous burning pilot flame at the control device for Hackford 11-15A-4-2, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. § 60.5412a(d)(1)(ii). *See id.*

115. Based on inspection findings, at the following twelve facilities, identified in Appendix C, Finley failed or continues to fail to maintain and operate its storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of the requirements at 40 C.F.R. § 60.5370a(b): Bar F 6-4A-5-3, Bar F 6-3A-5-3, Bar F 6-6A-5-3, Black Bear 1-6A-5-2, Bar F 25-11A-4-2, Deep Creek 11-26-4-2E, Hackford 11-15A-4-2, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Cabin Cruiser 11-12A-4-2, Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E, and Gardner 36-2A-3-2/Gardner 3-36-3-2E/Gardner 36-3B-3-2. *See id.*

116. Each of the violations alleged in Paragraphs 110-115 are violations of section 111 of the Act, 42 U.S.C. § 7411(e).

## **EPA-Only Alleged Violations—Facilities Located in Indian Country**

### **NSPS 0000**

117. Based on inspection findings, at the following four facilities, identified in Appendix D, Finley violated or continues to violate the storage vessel cover requirements of 40 C.F.R. § 60.5411(b) because the covers and all openings on the covers (e.g., access hatches and pressure relief valves) do not form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel, as required by 40 C.F.R. § 60.5411(b)(1), the storage vessel cover openings are not secured in a closed, sealed position, as required by 40 C.F.R. § 60.5411(b)(2), or the storage vessel thief hatches are not maintained and operated to ensure that the lid remains property seated, as required by 40 C.F.R. § 60.5411(b)(3): Aurora 2-19D-7-20, Aurora Federal 5-32, Aurora State 5-32-7-20, and Three Rivers 32-41-720.

118. Based on inspection findings, at the following four facilities, identified in Appendix D, Finley violated or continues to violate the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411(c) because the closed vent systems are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412(c) and (d), or to a process, as required by 40 C.F.R. § 60.5411(c)(1), or the closed vent systems are not designed and operated with no detectable emissions as determined using AVO inspections, as required by 40 C.F.R. § 60.5411(c)(2): Aurora 2-19D-7-20, Aurora Federal 5-32, Aurora State 5-32-7-20, and Three Rivers 32-41-720.

119. By failing to comply with the storage vessel cover requirements of 40 C.F.R. § 60.5411(b) and the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411(c)(1)-(2), Finley has violated or continues to violate the standards for storage vessel affected facilities at 40 C.F.R. § 60.5395(e)(1). *See* Appendix D.

120. Based on the inspection findings, Finley failed to operate the control device at Three Rivers 32-41-720 facility in a leak free condition, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. §§ 60.5412(d)(1)(i) or 60.5413(e)(7), 60.5417(h)(1)(iv). *See id.*

121. Based on inspection findings, at the following four facilities, identified in Appendix D Finley failed or continues to fail to maintain and operate its storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of the requirements at 40 C.F.R. § 60.5370a(b): Aurora 2-19D-7-20, Aurora Federal 5-32, Aurora State 5-32-7-20, and Three Rivers 32-41-720. *See id.*

122. Each of the violations alleged in Paragraphs 118-121 are violations of section 111 of the Act, 42 U.S.C. § 7411(e).



**NSPS 0000a**

123. Based on inspection findings, at the following six facilities, identified in Appendix D, Finley violated or continues to violate the storage vessel cover requirements of 40 C.F.R. § 60.5411a(b) because the covers and all openings on the covers (e.g., access hatches and pressure relief valves) do not form a continuous impermeable barrier over the entire surface area of the liquid in the storage vessel, as required by 40 C.F.R. § 60.5411a(b)(1), the storage vessel cover openings are not secured in a closed, sealed position, as required by 40 C.F.R. § 60.5411a(b)(2), or the storage vessel thief hatches are not maintained and operated to ensure that the lid remains property seated and sealed, including such times when working, standing/breathing, and flash emissions are generated, as required by 40 C.F.R. § 60.5411a(b)(3): Finley Federal 4-5a-8-20/Finley Federal 4-5b-8-20/Finley Federal 4-6a-8-20/Finley Federal 4-6b-8-20, Aurora Federal 16-29D-7-20/Aurora Federal 7-29D-7-20, Aurora Federal 10-29D-7-20/Aurora Federal 15-29D-7-20, Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20, Aurora Federal 27-11-7-20/Aurora Federal 27-12-7-20, and Aurora Federal 13-22D-7-20/Aurora Federal 22-14-7-20.

124. Based on inspection findings and the engineering evaluations submitted to the EPA and UDAQ, at the following eight facilities, identified in Appendix D, Finley violated or continues to violate the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c) because the closed vent systems are not designed to route all gases, vapors, and fumes emitted from the material in the storage vessel to a control device that meets the requirements specified in § 60.5412a(c) and (d), or to a process, as required by 40 C.F.R. § 60.5411a(c)(1), and the closed vent systems are not designed and operated with no detectable emissions as determined using AVO or optical gas imaging inspections, as required by 40 C.F.R. § 60.5411a(c)(2): Finley Federal 4-5a-8-20/Finley Federal 4-5b-8-20/Finley Federal 4-6a-8-20/Finley Federal 4-6b-8-20, Aurora Federal 16-29D-7-20/Aurora Federal 7-29D-7-20, Aurora Federal 10-29D-7-20/Aurora Federal 15-29D-7-20, Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20, Aurora Federal 27-11-7-20/Aurora Federal 27-12-7-20, Aurora Federal 27-4-7-20/Aurora Federal 27-3-7-20/Aurora Federal 27-5-7-20, Aurora Federal 13-22D-7-20/Aurora Federal 22-14-7-20, and Pelican 15-13A-7-20/Pelican 15-14A-7-20.

125. By failing to comply with the storage vessel closed vent system requirements of 40 C.F.R. § 60.5411a(c)(1) - (2), Finley has violated or continues to violate the VOC standards for storage vessel affected facilities at 40 C.F.R. § 60.5395a(b)(1). *See* Appendix D.

126. Based on inspection findings, Finley failed to operate the control devices at the following six facilities: Aurora Federal 10-29D-7-20/Aurora Federal 15-29D-7-20, Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20<sup>5</sup>, Aurora Federal 27-11-7-20/Aurora Federal 27-2-7-20, Aurora Federal 27-4-7-20/Aurora Federal 27-3-7-20/Aurora Federal 27-5-7-20, Aurora Federal 13-22D-7-20/Aurora Federal 22-14-7-20, and Pelican 15-13A-7-20/Pelican 15-14A-7-20 in a leak free condition, in violation of the control

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<sup>5</sup> The Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20 facility contains three tank systems. Enclosed combustors on the Aurora Federal 14-29D-7-20 and Aurora Federal 13-29D-7-20 tank systems were not operating.



device requirements for storage vessel affected facilities at 40 C.F.R. §§ 60.5412a(d)(1)(i) or 60.5413a(e)(7), 60.5417a(h)(1)(iv). *See id.*

127. Based on the inspection findings, Finley failed to operate a continuous burning pilot flame in control devices for the following two facilities: Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20<sup>6</sup> and Pelican 15-13A-7-20/Pelican 15-14A-7-20, in violation of the control device requirements for storage vessel affected facilities at 40 C.F.R. § 60.5412a(d)(1)(ii). *See id.*

128. Based on inspection findings, at the following eight facilities, identified in Appendix D, Finley failed or continues to fail to maintain and operate its storage vessel affected facilities and associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions, in violation of the requirements at 40 C.F.R. § 60.5370a(b): Finley Federal 4-5a-8-20/Finley Federal 4-5b-8-20/Finley Federal 4-6a-8-20/Finley Federal 4-6b-8-20, Aurora Federal 16-29D-7-20/Aurora Federal 7-29D-7-20, Aurora Federal 10-29D-7-20/Aurora Federal 15-29D-7-20, Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20, Aurora Federal 27-11-7-20/Aurora Federal 27-12-7-20, Aurora Federal 27-4-7-20/Aurora Federal 27-3-7-20/Aurora Federal 27-5-7-20, Aurora Federal 13-22D-7-20/Aurora Federal 22-14-7-20, and Pelican 15-13A-7-20/Pelican 15-14A-7-20. *See id.*

129. Each of the violations alleged in Paragraphs 124-128 are violations of section 111 of the Act, 42 U.S.C. § 7411(e).

### **Tribal NSR Registrations**

130. Finley acquired ownership of the oil and natural gas production facilities identified on Appendix F, Tables 1-2, on the dates listed in the *Date of Finley Resources Ownership* column. Finley's acquisition dates of these facilities ranged from April 2008-April 2018 for the 80 facilities listed on Appendix E, Tables 1-2.

131. Finley submitted all form registrations listed on Appendix F, Table 1, between April-May 2022. *See* Appendix F, Table 1, *Registration Submission Date* column.

132. Finley failed to register 78 oil and natural gas production facilities under the Tribal Minor NSR Rule upon date of ownership and the dates listed in Appendix F, Table 1, in the *Form Registration Due Date* column, in violation of 40 C.F.R. § 49.151(c)(1)(iii) and § 49.160(c)(1).

133. Finley failed to file report of change of ownership for the 78 oil and natural gas production facilities under the Tribal Minor NSR Rule within 90 days after the date of ownership identified for each facility on Appendix F, Tables 1-2, in the *Date of Finley Resources Ownership* column, in violation of 40 C.F.R. § 49.160(d)(2).

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<sup>6</sup> See prior footnote for details.

134. Finley failed to file Part 1 and Part 2 Registrations for two oil and natural gas production facilities identified on Appendix F, Table 2, Aurora Federal 6-28D-7-20 and Rogers 16-43, by the dates listed in the *Part 1 Due Date* and *Part 2 Due Date* columns, in violation of 40 C.F.R. § 49.160(c)(1).

### **UDAQ-Only Alleged Violations**

#### ***Utah Air Quality Regulations for the Oil and Gas Industry***

135. Based on inspection findings, at the following twenty facilities, identified in Appendix E, Finley violated or continues to violate Utah Administrative Code R307-501-4(1)(a) by failing to minimize VOC emissions to the extent reasonably practicable: Roosevelt Unit 3-19, FD 13-30D-2-2, FD 7-31-2-2, Bar F 6-4A-5-3, Bar F 6-3A-5-3, Bar F 6-6A-5-3, Black Bear 1-6A-5-2, Bar F 25-11A-4-2, Deep Creek 11-26-4-2E, FD 2-15-3-2, FD 3-29D-2-2, RU 23-14D, RU 24-13, RU 18-41, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-2, Cabin Cruiser 11-12A-4-2, Lamb 25-9A-4-2E<sup>7</sup>/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E, and Gardner 36-2A-3-2/Gardner 3-36-3-2E/Gardner 36-3B-3-2.

136. Based on inspection findings, at the following twenty facilities, identified in Appendix E, Finley violated or continues to violate Utah Administrative Code R307-501-4(1)(b), by failing to maintain and operate the installation (including storage vessels or overflow tanks) of air pollution control equipment in a manner consistent with good air pollution control practices for minimizing emissions: Roosevelt Unit 3-19, FD 13-30D-2-2, FD 7-31-2-2, Bar F 6-4A-5-3, Bar F 6-3A-5-3, Bar F 6-6A-5-3, Black Bear 1-6A-5-2, Bar F 25-11A-4-2, Deep Creek 11-26-4-2E, FD 2-15-3-2, FD 3-29D-2-2, RU 23-14D, RU 24-13, RU 18-41, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-2, Cabin Cruiser 11-12A-4-2, Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E, and Gardner 36-2A-3-2/Gardner 3-36-3-2E/Gardner 36-3B-3-2.

137. Based on inspection findings, at the following seven facilities, identified in Appendix E, Finley violated or continues to violate Utah Administrative Code R307-501-4(2)(a), by failing to operate and maintain air pollution control equipment pursuant to manufacturing specifications or equivalent to the extent practicable and consistent with technological limitations and good engineering and maintenance practices: FD 7-31-2-2, FD 2-15-3-2, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-2, Cabin Cruiser 11-12A-4-2, and Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E.

138. Based on the inspection findings, at the following sixteen facilities, identified on Appendix E, Finley violated or continues to violate Utah Administrative Code R307-506-4(1) by failing to keep thief hatches closed and latched except during vessel unloading or other maintenance activities: Roosevelt Unit 3-19, FD 13-30D-2-2, Bar F 6-4A-5-3, Bar F 6-3A-5-3, Bar F 6-6A-5-3, Bar F 25-11A-4-2, Deep Creek 11-26-4-2E, FD 3-29D-2-2, RU 23-14D, RU 24-13, RU 18-41, Gooseneck 13-13A-4-2, Gooseneck 14-16B-4-2, Hackford 11-15A-4-2, Cabin

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<sup>7</sup> Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E is a multi-well pad and all wells are co-registered under the same site ID [PBR 100467] for Lamb 25-9A-4-2E under Utah's permit-by-rule.

Cruiser 11-12A-4-2, and Lamb 25-9A-4-2E/Lamb 25-10A-4-2/Lamb 25-15A-4-2/Lamb 25-16A-4-2E.

139. Based on inspection findings, at the Black Bear 1-6A-5-2 facility, Finley violated Utah Administrative Code R307-506-4(4) by using an emergency storage vessel as an active storage tank and failing to empty the vessel no later than 15-days after receiving liquids. *See* Appendix E.

### **III. ENFORCEMENT AUTHORITY**

140. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement of prohibition of the Clean Air Act, the Administrator may issue an order requiring such person comply with the requirements or prohibition of the Act, issue an administrative penalty order in accordance with section 113(d) of the Act, or bring a civil action in accordance with section 113(b) of the Act for injunctive relief or civil penalties.

141. Section 19-2-107(2)(a)(xiii) of the Utah Code authorizes the Director of the UDAQ (subject to the provisions of the Utah Air Conservation Act) to enforce rules through the issuance of orders, including (A) prohibiting or abating discharges of wastes affecting ambient air; (B) requiring the construction of new control facilities or any parts of new control facilities or the modification, extension, or alteration of existing control facilities or any parts of new control facilities; or (C) adopting other remedial measures to prevent, control, or abate air pollution.

- a. Section 19-2-110(1) of the Utah Code provides that whenever the Director “has reason to believe that a violation of any provision of this chapter [Utah Air Conservation Act, Title 19, Chapter 2] or any rule issued under it has occurred, the director may serve a written notice of the violation upon the alleged violator.”
- b. For the UDAQ-only alleged violations, civil penalties may be imposed under Section 19-2-115(2)(a) of the Utah Code. Declaratory and injunctive relief may be sought under Section 19-2-116 of the Utah Code.

142. The issuance of this Notice of Violation does not in any way limit or preclude the EPA or the UDAQ from pursuing additional enforcement options concerning inspections or review referenced in this Notice of Violation. Also, this Notice of Violation does not preclude enforcement action for violations not specifically addressed in this Notice of Violation.

Date Issued: September 15, 2022

SUZANNE  
BOHAN

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SUZANNE BOHAN  
Date: 2022.09.15  
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Suzanne J. Bohan, Director  
Enforcement and Compliance Assurance  
Division  
Environmental Protection Agency, Region 8

Date Issued: 09/15/2022



Bryce Bird, Director  
Utah Division of Air Quality  
Utah Department of Environmental Quality

**Appendix A: Regulatory Applicability at Finley Resources Oil and Natural Gas Production Facilities**

Facility Name	Latitude	Longitude	Subject to NSPS OOOO Requirements for Storage Vessel Affected Facilities §§ 60.5365(e) and 60.5395(e)	Subject to NSPS OOOOa Requirements for Storage Vessel Affected Facilities §§ 60.5365a(e) and 60.5395a(b)	Subject to Utah PBR R307-501 and R307-506
Aurora Federal 10-29D-7-20	40.1782796	-109.6944235		X	
Aurora Federal 15-29D-7-20					
Aurora Federal 14-29D-7-20	40.178185	-109.69711		X	
Aurora Federal 13-29D-7-20					
Aurora Federal 5-29D-7-20					
Aurora Federal 16-29D-7-20	40.1788557	-109.6871543		X	
Aurora Federal 7-29D-7-20					
Aurora Federal 2-19D-7-20	40.20253	-109.71151	X		
Aurora Federal 27-4-7-20					
Aurora Federal 27-3-7-20	40.183862	-109.661264		X	
Aurora Federal 27-5-7-20					
Aurora Federal 13-22D-7-20	40.1920917	-109.6637316		X	
Aurora Federal 22-14-7-20					
Aurora Federal 27-11-7-20	40.16883	-109.6612864		X	
Aurora Federal 27-12-7-20					
Aurora Federal 5-32	40.23799	-109.6962	X		
Aurora State 5-32D-7-20	40.16741	-109.700027	X		
Cabin Cruiser 11-12A-4-2	40.1471297	-109.743567		X	X
Cabin Cruiser 11-13A-4-2	40.1439838	-109.7425569		X	X
FD 13-30D-2-2	40.2741768	-109.816412	X		X
FD 3-29D-2-2	40.2868158	-109.796316	X		X
FD 7-31-2-2	40.2674171	-109.8106119	X		X
Bar F 6-3A-5-3	40.0846987	-109.7000636		X	X
Bar F 6-4A-5-3	40.0843642	-109.7058783		X	X
Bar F 6-6A-5-3	40.0810124	-109.7008794		X	X
Bar F 25-11A-4-2	40.1023954	-109.7193147		X	X
Black Bear 1-6A-5-2	40.0813954	-109.7185815		X	X
Deep Creek 11-26-4-2E	40.1050445	-109.737907		X	X
Deep Creek 1-35-4-2E	40.0979184	-109.7273686			

Facility Name	Latitude	Longitude	Subject to NSPS OOOO Requirements for Storage Vessel Affected Facilities §§ 60.5365(e) and 60.5395(e)	Subject to NSPS OOOOa Requirements for Storage Vessel Affected Facilities §§ 60.5365a(e) and 60.5395a(b)	Subject to Utah PBR R307-501 and R307-506
Finley Federal 4-5a-8-20					
Finley Federal 4-5b-8-20					
Finley Federal 4-6a-8-20	40.155975	-109.6772		X	
Finley Federal 4-6b-8-20					
Gardner 36-2A-3-2					
Gardner 3-36-3-2E	40.183700	-109.719000		X	X
Gardner 36-3B-3-2					
Gooseneck 13-13A-4-2	40.131018	-109.7300363		X	X
Gooseneck 14-16B-4-2	40.130209	-109.7301573		X	X
Hackford 11-15A-4-2	40.1430258	-109.7398388		X	X
Lamb 25-9A-4-2E					
Lamb 25-10A-4-2	40.10339	-109.71248		X	X
Lamb 25-15A-4-2					
Lamb 25-16A-4-2E					
Pelican 15-13A-7-20					
Pelican 15-14A-7-20	40.2031586	-109.6616696		X	
Roosevelt Unit 3-19	40.3871984	-109.9250795			X
RU 18-41	40.3918092	-109.9326878	X		X
RU 23-14D	40.3886254	-109.9549155	X		X
RU 24-13	40.3869435	-109.9416673	X		X
Three Rivers 32-41-720	40.17221	-109.68446	X		



**Appendix B: 2018, 2021, and 2022 Inspection Observations at Finley Resources Oil and Natural Gas Production Facilities**

Facility Name	Latitude	Longitude	UDAQ Site ID	Inspection Date	Inspecting Agency (EPA/UDAQ/Joint)	Storage Vessel or CVS Emissions Observed	Improperly or Non-Operating Control Device	Regulatory Applicability
FD 13-30D-2-2	40.2741768	-109.816412	PBR 8373	3/15/2022	UDAQ	X		NSPS OOOO PBR
FD 7-31-2-2	40.2674171	-109.8106119	PBR 8390	3/15/2022	UDAQ		X	NSPS OOOO PBR
Bar F 6-4A-5-3	40.0843642	-109.7058783	PBR 4718	11/18/2021	UDAQ	X	X	NSPS OOOOa PBR
Bar F 6-3A-5-3	40.0846987	-109.7000636	PBR 8052	11/18/2021	UDAQ	X	X	NSPS OOOOa PBR
Bar F 6-6A-5-3	40.0810124	-109.7008794	PBR 8054	11/18/2021	UDAQ	X	X	NSPS OOOOa PBR
Black Bear 1-6A-5-2	40.0813954	-109.7185815	PBR 8055	11/28/2021	UDAQ	X		NSPS OOOOa PBR
Black Bear 1-9A-5-2	40.0766232	-109.71018	PBR 8056	11/18/2021	UDAQ			
Deep Creek 12-26-4-2E	40.1054572	-109.7434235	PBR 8057	11/18/2021	UDAQ			
Bar F 25-11A-4-2	40.1023954	-109.7193147	PBR 100373	11/18/2021	UDAQ	X		NSPS OOOOa PBR
Deep Creek 11-26-4-2E	40.1050445	-109.737907	PBR 100376	11/18/2021	UDAQ	X		NSPS OOOOa PBR
Deep Creek 1-35-4-2E	40.0979184	-109.7273686	PBR 100377	11/18/2021	UDAQ			
Bar F 25-12A-4-2	40.103535	-109.7230805	PBR 100384	11/18/2021	UDAQ			
FD 2-15-3-2	40.2281188	-109.7514594	PBR 8377	3/30/2022	UDAQ		X	NSPS OOOO PBR
FD 3-29D-2-2	40.2868158	-109.796316	PBR 8378	3/23/2022	UDAQ	X	X	NSPS OOOO PBR
Roosevelt Unit 3-19	40.3871984	-109.9250795	PBR 8399	4/7/2022	UDAQ	X	X	PBR
RU 23-14D	40.3886254	-109.9549155	PBR 8401	4/7/2022	UDAQ	X	X	NSPS OOOO PBR

Facility Name	Latitude	Longitude	UDAQ Site ID	Inspection Date	Inspecting Agency (EPA/UDAQ/Joint)	Storage Vessel or CVS Emissions Observed	Improperly or Non-Operating Control Device	Regulatory Applicability
RU 24-13	40.3869435	-109.9416673	PBR 8402	4/7/2022	UDAQ	X		NSPS OOOO PBR
RU 18-41	40.3918092	-109.9326878	PBR 8415	4/7/2022	UDAQ	X		NSPS OOOO PBR
Aurora Federal 2-19D-7-20	40.20253	-109.71151	N/A	6/26/2018	EPA	X		NSPS OOOO
Aurora Federal 5-32	40.23799	-109.6962	N/A	6/26/2018	EPA	X		NSPS OOOO
Aurora State 5-32D-7-20	40.16741	-109.700027	N/A	6/26/2018	EPA	X		NSPS OOOO
Finley Federal 4-5a-8-20								
Finley Federal 4-5b-8-20	40.155975	-109.6772	N/A	9/15/2021	EPA	X		NSPS OOOOa
Finley Federal 4-6a-8-20								
Finley Federal 4-6b-8-20								
Aurora Federal 16-29D-7-20	40.1788557	-109.6871543	N/A	9/15/2021	EPA	X		NSPS OOOOa
Aurora Federal 7-29D-7-20								
Aurora Federal 10-29D-7-20	40.1782796	-109.6944235	N/A	9/15/2021	EPA	X	X	NSPS OOOOa
Aurora Federal 15-29D-7-20								
Aurora Federal 14-29D-7-20	40.178185	-109.69711	N/A	9/15/2021	EPA	X <sup>1</sup>	X <sup>1</sup>	NSPS OOOOa
Aurora Federal 13-29D-7-20								
Aurora Federal 5-29D-7-20	40.16883	-109.6612864	N/A	9/15/2021	EPA	X	X	NSPS OOOOa
Aurora Federal 27-11-7-20								
Aurora Federal 27-12-7-20	40.183862	-109.661264	N/A	9/15/2021	EPA		X	NSPS OOOOa
Aurora Federal 27-4-7-20								
Aurora Federal 27-3-7-20								
Aurora Federal 27-5-7-20								
Aurora Federal 13-22D-7-20	40.1920917	-109.6637316	N/A	9/15/2021	EPA	X	X	NSPS OOOOa
Aurora Federal 22-14-7-20								
Pelican 15-13A-7-20	40.2031586	-109.6616696	N/A	9/15/2021	EPA		X	NSPS OOOOa
Pelican 15-14A-7-20								
Three Rivers 32-41-720	40.17221	-109.68446	N/A	9/15/2021	EPA	X	X	NSPS OOOO
Gooseneck 13-13A-4-2	40.131018	-109.7300363	PBR 100390	9/16/2021	Joint	X	X	NSPS OOOOa PBR

<sup>1</sup> The Aurora Federal 14-29D-7-20/Aurora Federal 13-29D-7-20/Aurora Federal 5-29D-7-20 facility contains three tank systems. Emissions were noted from all three tank systems at the facility. Enclosed combustors on the Aurora Federal 14-29D-7-20 and Aurora Federal 13-29D-7-20 tank systems were not operating.

Facility Name	Latitude	Longitude	UDAQ Site ID	Inspection Date	Inspecting Agency (EPA/UDAQ/Joint)	Storage Vessel or CVS Emissions Observed	Improperly or Non-Operating Control Device	Regulatory Applicability
Gooseneck 14-16B-4-2	40.130209	-109.7301573	PBR 100519	9/16/2021	Joint	X	X	NSPS OOOOa PBR
Hackford 11-15A-4-2	40.1430258	-109.7398388	PBR 100391	9/16/2021	Joint	X	X	NSPS OOOOa PBR
Cabin Cruiser 11-13A-4-2	40.1439838	-109.7425569	PBR 4704	9/16/2021	Joint			NSPS OOOOa PBR
Cabin Cruiser 11-12A-4-2	40.1471297	-109.743567	PBR 4703	9/16/2021	Joint	X	X	NSPS OOOOa PBR
Lamb 25-9A-4-2E Lamb 25-10A-4-2 Lamb 25-15A-4-2 Lamb 25-16A-4-2E	40.10339	-109.71248	PBR 100467	9/16/2021	Joint	X	X	NSPS OOOOa PBR
Wildcat Midstream LP 3.5 Miles West Consumers Rd., Helper, UT 84526	39.65	-110.92	PBR 15071		UDAQ			Approval Order DAQE-AN150710001-14
Gardner 36-2A-3-2 Gardner 3-36-3-2E Gardner 36-3B-3-2	40.183700	-109.719000	PBR 4710	8/2/2022	EPA	X		NSPS OOOOa PBR

# Appendix C: Joint Alleged Violations by EPA and UDAQ of NSPS OOOO and NSPS OOOOa

Facility Name	Cover and/or CVS Requirements for Storage Vessels [40 C.F.R. §§ 60.5411(b) and (c); 60.5395(e)(1)]	Good Air Pollution Control Practice [40 C.F.R. § 60.5370(b)]	Control Device Requirements for Storage Vessels [40 C.F.R. §§ 60.5412(d); 60.5413(e); 60.5417(h)]	Cover and/or CVS Requirements for Storage Vessels [40 C.F.R. §§ 60.5411a(b) and (c); 60.5395a(b)(1)]	Control Device Requirements for Storage Vessels [40 C.F.R. §§ 60.5412a(d); 60.5413a(e); 60.5417a(h)]	Good Air Pollution Control Practice [40 C.F.R. § 60.5370a(b)]
FD 13-30D-2-2	X	X				
FD 7-31-2-2		X	X			
Bar F 6-4A-5-3				X		X
Bar F 6-3A-5-3				X		X
Bar F 6-6A-5-3				X		X
Black Bear 1-6A-5-2				X		X
Black Bear 1-9A-5-2						
Deep Creek 12-26-4-2E						
Bar F 25-11A-4-2				X		X
Deep Creek 11-26-4-2E				X		X
Deep Creek 1-35-4-2E						
Bar F 25-12A-4-2						
FD 2-15-3-2	X	X	X			
FD 3-29D-2-2	X	X	X			
RU 23-14D	X	X				
RU 24-13	X	X				
RU 18-41	X	X				
Gooseneck 13-13A-4-2				X	X	X
Gooseneck 14-16B-4-2				X	X	X
Hackford 11-15A-4-2				X	X	X
Cabin Cruiser 11-12A-4-2				X	X	X
Lamb 25-9A-4-2E						
Lamb 25-10A-4-2				X	X	X
Lamb 25-15A-4-2						
Lamb 25-16A-4-2E						
Gardner 36-2A-3-2						
Gardner 3-36-3-2E				X	X	X
Gardner 36-3B-3-2						

# Appendix D. EPA-Only Allegations of NSPS OOOO and OOOOa

Facility Name	Cover and CVS Requirements for Storage Vessels [40 C.F.R. §§ 60.5411(b) and (c); 60.5395(b)(1)]	Good Air Pollution Control Practice [40 C.F.R. § 60.5370(b)]	Control Device Requirements for Storage Vessels [40 C.F.R. §§ 60.541a(d); 60.5413(e); 60.5417(h)]	Cover and CVS Requirements for Storage Vessels [40 C.F.R. §§ 60.5411a(b) and (c); 60.5395a(b)(1)]	Control Device Requirements for Storage Vessels [40 C.F.R. §§ 60.5412a(d); 60.5413a(e); 60.5417a(h)]	Good Air Pollution Control Practice [40 C.F.R. § 60.5370a(b)]
Aurora 2-19D-7-20	X	X				
Aurora Federal 5-32	X	X				
Aurora State 5-32-7-20	X	X				
Finley Federal 4-5a-8-20				X		X
Finley Federal 4-5b-8-20						
Finley Federal 4-6a-8-20						
Finley Federal 4-6b-8-20						
Aurora Federal 16-29D-7-20				X		X
Aurora Federal 7-29D-7-20						
Aurora Federal 10-29D-7-20				X	X	X
Aurora Federal 15-29D-7-20						
Aurora Federal 14-29D-7-20				X	X	X
Aurora Federal 13-29D-7-20						
Aurora Federal 5-29D-7-20						
Aurora Federal 27-11-7-20				X	X	X
Aurora Federal 27-12-7-20						
Aurora Federal 27-4-7-20						
Aurora Federal 27-3-7-20				X	X	X
Aurora Federal 27-5-7-20						
Aurora Federal 13-22D-7-20				X	X	X
Aurora Federal 22-14-7-20						
Pelican 15-13A-7-20						
Pelican 15-14A-7-20				X	X	X
Three Rivers 32-41-720	X	X	X			

# Appendix E. UDAQ-Only Allegations

Facility Name	PBR Registration Number	R307-501-4(1)(a)	R307-501-4(1)(b)	R307-501-4(2)(a)	R307-506-4(1)	R307-506-4(4)
Roosevelt Unit 3-19	PBR 8399	X	X		X	
FD 13-30D-2-2	PBR 8373	X	X		X	
FD 7-31-2-2	PBR 8390	X	X	X		
Bar F 6-4A-5-3	PBR 4718	X	X		X	
Bar F 6-3A-5-3	PBR 8052	X	X		X	
Bar F 6-6A-5-3	PBR 8054	X	X		X	
Black Bear 1-6A-5-2	PBR 8055	X	X			X
Bar F 25-11A-4-2	PBR 100373	X	X		X	
Deep Creek 11-26-4-2E	PBR 100376	X	X		X	
FD 2-15-3-2	PBR 8377	X	X	X		
FD 3-29D-2-2	PBR 8378	X	X		X	
RU 23-14D	PBR 8401	X	X		X	
RU 24-13	PBR 8402	X	X		X	
RU 18-41	PBR 8415	X	X		X	
Gooseneck 13-13A-4-2	PBR 100419	X	X	X	X	
Gooseneck 14-16B-4-2	PBR 100519	X	X	X	X	
Hackford 11-15A-4-2	PBR 100420	X	X	X	X	
Cabin Cruiser 11-12A-4-2	PBR 4703	X	X	X	X	
Lamb 25-9A-4-2E	PBR 100467	X	X	X	X	
Gardner 36-2A-3-2	PBR 4710	X	X			
Gardner 3-36-3-2E						
Gardner 36-3B-3-2						



# Appendix F. EPA-Only Allegations of Tribal Minor NSR Violations

## Table 1. Form Registrations for True Minor Sources

Number	Facility Name	Date of Finley Resources Ownership	Spud Date (Month/Year)	Form Registration Due Date	Registration Submission Date
1.	Wasatch 9	Dec-17	Mar-1984	12/29/2017	5/10/2022
2.	Aurora 8-17D-7-20	Jan-18	Jan-13	Jan-18	5/5/2022
3.	Aurora 9-1D-7-19	Jan-18	Aug-12	Jan-18	5/5/2022
4.	Aurora Fed 26-33	Jan-18	Nov-08	Jan-18	5/5/2022
5.	Aurora Federal 4-21-D-7-20	Jan-18	Aug-13	Jan-18	Part 1 Submitted instead on 05/22/2022
6.	Aurora Fed 5-32	Jan-18	Sep-08	Jan-18	5/5/2022
7.	Aurora Federal 3-6D-7-20	Jan-18	Jul-14	Jan-18	5/5/2022
8.	Aurora Federal 7-29D-7-20	Jan-18	Jul-15	Jan-18	5/5/2022
9.	Aurora State 12-32-7-20	Jan-18	Jan-15	Jan-18	5/5/2022
10.	Aurora State 3-32D-7-20	Jan-18	Dec-14	Jan-18	5/5/2022
11.	Aurora State 4-32D-7-21	Jan-18	Dec-14	Jan-18	5/5/2022
12.	Aurora State 5-32D-7-21	Jan-18	Dec-14	Jan-18	5/5/2022
13.	Aurora State 6-32-7-20	Jan-18	Aug-14	Jan-18	5/5/2022
14.	BBE 15G-16-7-21	Sep-17	Feb-04	Sep-17	5/5/2022
15.	BRENNAN BOTTOMS 1-15	Mar-14	Apr-81	Mar-14	5/5/2022
16.	BRENNAN 3	Sep-17	May-57	Sep-17	5/5/2022
17.	BRENNAN FED 15-8	Sep-17	Jun-83	Sep-17	5/5/2022
18.	COGC 1-22-9-20	May-14	Jul-81	May-14	5/5/2022
19.	DUCKCREEK 11-16GR	May-14	Oct-80	May-14	5/5/2022
20.	DUCKCREEK 15-16GR	May-14	Apr-80	May-14	5/5/2022
21.	DUCKCREEK 26-8GR	May-14	May-81	May-14	5/5/2022
22.	FD 1-36-6-19	Jan-18	Jan-13	Jan-18	5/5/2022
23.	FD 3-23-6-19	Jan-18	Jul-14	Jan-18	5/5/2022
24.	FD 3-36D-6-19	Jan-18	Jul-12	Jan-18	5/5/2022

Number	Facility Name	Date of Finley Resources Ownership	Spud Date (Month/Year)	Form Registration Due Date	Registration Submission Date
25.	FD 9-36-6-19	Jan-18	Dec-11	Jan-18	5/5/2022
26.	FD FEDERAL 16-22-6-19	Jan-18	Jul-14	Jan-18	5/5/2022
27.	FD FEDERAL 3-26-6-19	Jan-18	Jun-14	Jan-18	5/5/2022
28.	FD FEDERAL 7-35D-6-19	Jan-18	Jun-14	Jan-18	5/5/2022
29.	FD STATE 10-36D-6-19	Jan-18	Nov-14	Jan-18	5/5/2022
30.	FD STATE 6-36D-6-19	Jan-18	Nov-14	Jan-18	5/5/2022
31.	FEDERAL 13-24B	Jan-16	Jun-93	Jan-16	5/5/2022
32.	Federal 2-20	Dec-17	Dec-82	Dec-17	5/5/2022
33.	FEDERAL 3-20	Dec-17	Aug-01	Dec-17	5/5/2022
34.	FEDERAL 3-24B	Jan-16	Nov-95	Jan-16	5/5/2022
35.	FEDERAL 3-25B	Jan-16	Mar-93	Jan-16	5/5/2022
36.	FEDERAL 33-3-J	Nov-13	Sep-87	Nov-13	5/5/2022
37.	FEDERAL 33-6-F	Nov-13	Aug-87	Nov-13	5/5/2022
38.	FEDERAL 33-7-L	Nov-13	Jul-88	Nov-13	5/5/2022
39.	FEDERAL 33-8-N	Nov-13	May-87	Nov-13	5/5/2022
40.	FEDERAL 5-21	Dec-17	Jul-83	Dec-17	5/5/2022
41.	FEDERAL 5-24B	Jan-16	Aug-93	Jan-16	5/5/2022
42.	FOUR STAR 7-32-7-20	Jan-18	Nov-10	Jan-18	5/5/2022
43.	JB 4G-26-7-21	Sep-17	Aug-12	Sep-17	5/5/2022
44.	NATURAL DUCK 10-21	May-14	Dec-80	May-14	5/5/2022
45.	NATURAL DUCK 1-15	May-14	May-78	May-14	5/5/2022
46.	NATURAL DUCK 12-21	May-14	May-81	May-14	5/5/2022
47.	Natural Duck 3-15	May-14	Oct-79	May-14	5/5/2022
48.	NATURAL DUCK 4-21	May-14	Jul-79	May-14	5/5/2022
49.	NATURAL DUCK 6-15	May-14	Aug-80	May-14	5/5/2022
50.	NATURAL DUCK 9-15	May-14	Aug-80	May-14	5/5/2022
51.	OP 4G-2-7-20	Sep-17	Jun-14	Sep-17	5/5/2022

Number	Facility Name	Date of Finley Resources Ownership	Spud Date (Month/Year)	Form Registration Due Date	Registration Submission Date
52.	PENNY 16-7	Oct-14	Aug-83	Oct-14	5/5/2022
53.	RIVER JUNCTION 11-18	Oct-14	May-83	Oct-14	5/5/2022
54.	ROOSEVELT U 11	Jan-18	Jan-84	Jan-18	5/5/2022
55.	ROOSEVELT U 18-A1E	Jan-18	Nov-85	Jan-18	5/5/2022
56.	ROOSEVELT U 7-20	Jan-18	Aug-06	Jan-18	5/5/2022
57.	THREE RIVERS 32-41-720	Jun-17	Sep-12	Jun-17	5/5/2022
58.	UTE 21 1	Apr-08	Nov-87	Aug-11	5/5/2022
59.	UTE 25-1	Apr-08	Sep-88	Aug-11	5/5/2022
60.	UTE BATTERY 21	Apr-08	Jan-95	Aug-11	5/5/2022
61.	UTE TRIBAL 11-25	Apr-08	Dec-00	Aug-11	5/5/2022
62.	UTE TRIBAL 12-25	Apr-08	Dec-00	Aug-11	5/5/2022
63.	UTE TRIBAL 1-29A1E	Mar-10	Oct-89	Aug-11	5/5/2022
64.	UTE TRIBAL 22-2	Apr-08	Jan-92	Aug-11	5/5/2022
65.	UTE TRIBAL 22-4-I	Apr-08	Dec-94	Aug-11	5/5/2022
66.	UTE TRIBAL 2-26	Apr-08	Nov-00	Aug-11	5/5/2022
67.	UTE TRIBAL 23-1	Apr-08	Jan-91	Aug-11	5/5/2022
68.	UTE TRIBAL 25-F	Apr-08	Aug-97	Aug-11	5/5/2022
69.	UTE TRIBAL 26-1-C	Apr-08	Sep-86	Aug-11	5/5/2022
70.	UTE TRIBAL 26-3-G	Apr-08	Apr-95	Aug-11	5/5/2022
71.	UTE TRIBAL 26-5-J	Apr-08	Dec-94	Aug-11	5/5/2022
72.	UTE TRIBAL 27-1	Apr-08	Feb-91	Aug-11	5/5/2022
73.	UTE TRIBAL 4-25	Apr-08	Jan-01	Aug-11	5/5/2022
74.	UTE TRIBAL 7-25	Apr-08	Jan-01	Aug-11	5/5/2022
75.	UTE TRIBAL 9-26	Apr-08	Nov-00	Aug-11	5/5/2022
76.	WALL13-17	Jan-18	May-06	Jan-18	4/27/2022
77.	WASATCH 6	Jan-18	Sep-83	Jan-18	5/5/2022
78.	WASATCH 10	Jan-18	Feb-84	Jan-18	5/5/2022

**Appendix F.**

**Table 2. Sources with Part 1 and Part 2 Registrations**

<b>Number</b>	<b>Facility Name</b>	<b>Date of Finley Resources Ownership</b>	<b>Spud Date (Month/Year)</b>	<b>Part 1 Due Date</b>	<b>Part 1 Submission Date by Finley Resources</b>	<b>Part 2 Due Date</b>
1	Aurora Federal 6-28D-7-20	Apr-18	Nov-17	11/1/2017	4/22/2022	1/1/2018
2	ROGERS 16-43	Jan-18	Nov-08	10/3/2016	4/22/2022	12/3/2016